

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:18-cr-00026

JAMES H. BLUME, JR. -01,
MARK T. RADCLIFFE -02,
JOSHUA RADCLIFFE -03,
MICHAEL T. MORAN -04,
SANJAY MEHTA -05,
BRIAN GULLETT -06,
VERNON STANLEY -07,
MARK CLARKSON -08,
WILLIAM EARLEY -09,
PAUL W. BURKE -10,
ROSWELL TEMPEST LOWRY -11,

Defendants.

ORDER

The Court has reviewed *Defendant Vernon Stanley's Motion to Continue Trial* (Document 497) and the incorporated *Brief in Support of Defendant Vernon Stanely's Motion to Continue Trial* (Document 497), as well as the *Sealed Declaration of Counsel in Support of Defendant Vernon Stanely's Motion to Continue Trial* (Document 502) filed in the above-styled matter. The Court has also reviewed the *Response to Defendant Vernon Stanley's Motion to Continue* (Document 505) wherein the United States opposes the requested continuance.

In his pleadings, Defendant Stanley moves for a trial continuance of not less than 120 days on the grounds, *inter alia*, that additional time is needed by new defense counsel for receipt and review of voluminous discovery, for filing pretrial motions, for interviewing witnesses, and for retaining experts in advance of trial. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

WHEREFORE, finding that the interest of the public and the Defendants in a speedy trial is outweighed by the ends of justice served by granting a continuance, the Court, for good cause shown, does hereby **ORDER** that Defendant Stanley's motion (Document 497) be **GRANTED**. The trial **as to all Defendants**, previously scheduled for May 6, 2019, is **CONTINUED** to **November 18, 2019, at 9:00 a.m.** Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court. The Court **ORDERS** that the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **October 28, 2019**.


The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for April 23, 2019, be **CONTINUED** to **October 29, 2019, at 10:00 a.m.**, before the Honorable Omar J. Aboulhosn, and that any motions to be addressed at the pretrial motions hearing, as well as any motions in limine, shall be filed no later than **October 15, 2019**.

The United States Marshals Service is **ORDERED** to transport any incarcerated Defendant from his location of confinement to the court proceeding.

The Court **FINDS** that the time between May 6, 2019, and November 18, 2019, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendants and their respective counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: April 4, 2019


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA